

STATE OF MINNESOTA
IN SUPREME COURT

A08-2169

Norm Coleman, et al.,
Petitioners,
vs.

AFFIDAVIT OF RACHEL SMITH

Mark Ritchie, Minnesota Secretary of
State, The Minnesota State
Canvassing Board, Isanti County
Canvassing Board, et al.,
Respondents.

Al Franken for Senate and Al Franken,
Intervenor-
Respondents

STATE OF MINNESOTA)
) ss.
COUNTY OF ANOKA)

Rachel Smith, being first duly sworn, states as follows:

1. I am the Elections Manager of Anoka County.
2. In my capacity as Elections Manager, I supervise the elections division of Anoka County and have worked to accurately and timely comply with this Court's Orders of December 18, 2008 and December 24, 2008.
3. In response to this court's order of December 18, 2008, as subsequently amended on December 24, 2008, Anoka County immediately began the process of identifying improperly rejected absentee ballots.

4. On December 19, 2008, the Franken campaign identified one absentee ballot that they wished to be included as an improperly rejected ballot.
5. On December 22, 2008, Anoka County provided the Franken and Coleman campaign committees with the list of ballots that it had identified as improperly rejected. Included in that list was the one ballot that had been identified by the Franken campaign committee.
6. On December 29, 2008 at 4 pm, Anoka County received, from the Coleman campaign committee, a list of sixteen additional absentee ballots that they identified as improperly rejected ballots that had not previously been identified by Anoka County or by the Franken campaign committee.
7. On December 30, 2008, Anoka County convened a 9 a.m. meeting that included the Franken campaign committee and the Coleman campaign committee. The purpose of the meeting was to review and reconsider the issue of improperly rejected ballots. That meeting resulted in an impasse over which ballots were to be reconsidered.
8. On December 30, 2008, at 3 p.m., by email, your affiant contacted the attorneys for the Franken and Coleman campaign committees, suggesting that the parties reconvene on December 31, 2008 at 9 a.m. to once again attempt to review and reconsider the issue of improperly rejected absentee ballots.
9. On December 31, 2008, Anoka County convened a 9 a.m. meeting that included the Franken campaign committee and the Coleman campaign committee. During that meeting, with the full agreement of both the Coleman and Franken campaign committee representatives, Anoka County, the Franken campaign committee and the Coleman campaign committee reviewed and reconsidered all absentee ballots that had been identified by Anoka County, the Franken campaign committee and the Coleman campaign committee as having been improperly rejected.

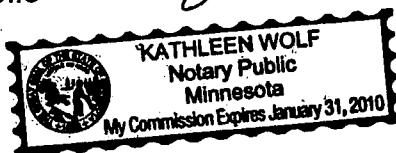
Subscribed and sworn to before me
January 3, 2009



Notary Public



Rachel Smith



Jan. 2. 2009 2:10PM

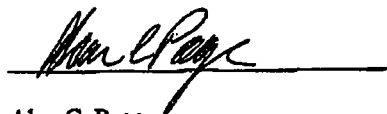
No. 2831 P. 4

6. Service by mail is permissible if a complete copy of the material is also transmitted electronically by the deadlines imposed herein, by e-mail or facsimile, to all parties and participants required to be served. For purposes of this motion only, parties e-mailing responses to the court should use the following address:
joanne.turner@courts.state.mn.us.

7. Filing by mail is permissible if a complete copy of the material is also transmitted by facsimile to the Clerk of Appellate Courts by the deadlines imposed herein. The facsimile number for the Clerk of Appellate Courts is 651-297-4149.

Dated: January 2, 2009

BY THE COURT:


Alan C. Page
Associate Justice

MAGNUSON, C.J., and ANDERSON, G. Barry, J., took no part in the consideration or decision of this matter.